

REMARKS

The Examiner's indication that claims 4-7 contain allowable subject matter and would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims and amendment to overcome any rejection under 35 USC 112, second paragraph, is noted with appreciation.

In order to emphasize the patentable distinctions of applicant's invention over the prior art, claim 1 (and claims 2-3 dependent thereon) have been amended to incorporate the subject matter of claim 4, which formerly depended from claim 1. More specifically, claim 1 now calls for an apparatus for cleaving an optical fiber waveguide wherein a scribing blade applies a scribing force to an optical fiber, the scribing force ranging from about 1 to 5 grams. Claim 4 has been cancelled. Claim 1 has also been amended, for the sake of clarity, to call for a self aligning fiber holder adapted to hold a fiber at a supply end of the fiber and a pull clamp appointed to hold the fiber at a free end of the fiber. In order to emphasize the patentable distinctions of applicant's invention over the prior art, claims 5 and 7 have been rewritten in independent form incorporating the subject matter of claim 1, on which each formerly depended.

New claims 8-13 have been added to provide adequate coverage for applicant's contribution to the art. In particular, claims 8-10 depend from claim 5 and claims 11-13 depend from claim 7. Generally stated, claims 8-10 and 11-13 each respectively recite subject matter related to subject matter presented in original claims 2-4.

Support for the foregoing amendments is provided by the specification, e.g. at page 5, line 18 to page 6, line 21; page 8, lines 19-20; page 9, lines 16-17; and page 10, lines 1-5. Consequently, no new matter has been added.

The specification has been amended for the sake of clarity to correct a number of obvious, insubstantial, typographical errors. More specifically: the missing word “produce” is inserted at page 5, line 19; the missing word “of” is inserted at page 6, line 23; the misspelled word “fiver” is corrected to “fiber” at page 7, line 2; the misspelled word “mates” is corrected to “mate” at page 9, line 4; the missing words “to be” are inserted at page 9, line 11; the misspelled word “this” is corrected to “thus” at page 9, line 20.

In addition, the specification has been amended to correct certain incorrect reference numerals, viz.: support base 143 (not 144) at page 9, line 5; force adjustment drum 268 (not 2678) at page 10, line 2; sensor 144 (not 104) at page 10, lines 21 and 23; spring 140 (not 100) at page 11, line 8; carriage 254 (not 251) at page 11, line 11; and fiber 102 (not 120) at page 11, line 13. References in the specification to motor 260 have been amended to associate reference numeral 261 with the motor, to remove any ambiguity arising from the duplication of reference numeral 260 used to designate the blade, particularly at page 10, lines 8, 15, and 21.

New reference numerals have been added in the specification corresponding to certain structures depicted in the drawing figures and recited in the claims: guide track 280 at page 10, line 13; upper slide track 281 at page 10, line 14; and lower slide track 282 at page 10, line 15.

Still further and for the sake of clarity, certain references in the specification to the drawing figures have been corrected as follows: Figs. 3A-3B (not 3) at page 9, line 13; Fig. 5 (not 4) at page 9, line 15; Fig. 4 (not 5) at page 9, lines 19 and 22, and page 11, line 6.

The drawings have been amended for the sake of clarity. In particular, Fig. 2 has been amended to clarify the positioning of the lead line for knife assembly 112. Fig. 3 has

been renumbered as Fig. 3A and is amended to: (i) depict view III-III for the cross-section of Fig. 3B; (ii) add a reference numeral 140 for the tension spring; (iii) correct the reference numeral for sensor 104. Fig. 4 has been amended to delete extraneous reference numerals 256 and 274, correct the reference numeral for motor 261, to clarify the lead line for fiber tension profile bar 250, and add new reference numerals for blade 260, blade carriage 254, and blade arm 262. New Fig. 3B has been added, for the sake of clarity, to provide an additional, cross-sectional view of the apparatus depicted by Fig. 3A. Support for the amendment of the drawings is provided by the original drawings, together with the description thereof, particularly at page 9, line 13 to page 11, line 20. Consequently, no new matter has been added.

The Brief Description of the Drawings has been amended to make reference to Fig. 3A (originally numbered as Fig. 3) and newly added Fig. 3B.

The Examiner has objected to the drawings under 37 CFR 1.83(a), alleging that the drawings fail to show every feature of the invention specified in the claims.

In particular, the Examiner has pointed to the terms “adjustment means” and “adjustment thickness” as allegedly not being shown. Applicant respectfully submits that since neither of these terms is present in the instant specification or claims, no depiction thereof need be present in the drawings. Applicant believes that reference to these terms likely was inadvertently included in the present Office Action.

The Examiner has further pointed to certain other features recited by claim 1 that are allegedly not shown in the drawings. For the sake of clarity, the drawings have been amended as set forth hereinabove to include as Fig. 3B an additional cross-sectional view of the embodiment of Fig. 3A (formerly numbered as Fig. 3). Certain of the features of this

embodiment are best visualized in the cross-sectional view. It is respectfully submitted that no new matter has been added by way of the addition of the cross-sectional view, inasmuch as the features depicted therein were clearly set forth in the specification as originally filed and a person having ordinary skill would recognize the cross-sectional view as clearly depicting the same structure as the perspective view of original Fig. 3. In addition, reference numerals 280, 281, 282, 254, 260, and 262 have been added to call out features not previously so designated.

Still further, the Examiner has alleged that the reference numerals 274 and 256 are undefined in the drawings and in the specification. Applicant acknowledges the presence of extraneous numerals 274 and 256 in Fig. 4, which accordingly have been removed. Applicant respectfully points to the original specification at page 10, line 12, as reciting pin 274 and to page 10, line 9, as reciting the carriage actuator 256. These features are depicted in the drawings, particularly by Fig. 4. The Examiner has correctly observed that callouts for reference numbers 254 and 262 were missing in the drawings. Accordingly, they have been added to Fig. 4. The number "2678" in the specification was a typographical error, "268" having been intended. The specification has accordingly been amended at page 10, line 2. Fig. 4 includes a callout for item 268. Applicant expresses appreciation for the Examiner's constructive comments regarding the Figures.

For the Examiner's convenience, there is set forth in the table below a list of those features of claim 1 cited by the Examiner as not being depicted, together with the corresponding reference numeral used in one or more of the drawing figures, and a representative citation of the specification wherein the feature is described. It is respectfully submitted that the entries in the Table establish that the features noted by the Examiner are

properly described in the specification and depicted in the specification in a manner that satisfies the requirements of 37 CFR 1.83(a).

Feature	Ref. No.	Fig.	Specification
guide track	280	3B*	page 10, line 13†
upper track	281	3B*	page 10, line 14†
lower track	282	3B*	page 10, line 15†
pull clamp	212	5	page 9, line 17
linear slide	252	4	page 10, line 8
blade carriage	254	4*	page 10, line 7
actuator	256	4	page 10, line 9
blade arm	262	4*	page 9, line 22
scribing blade	260	4*	page 9, line 22-23
guide pin	274	4	page 10, line 12

* Reference numeral added by way of amended drawings.

† Reference numeral added by way of amendment to specification.

In view of the amendment of Figs. 3A and 3B, the amendments to the specification, and the foregoing remarks, it is submitted that all of the features of applicant's claims are now properly depicted by the drawing figures and described by the specification.

Accordingly, the Examiner's approval of the proposed drawing corrections, entry of newly added Fig. 3B, and reconsideration of the objection to the drawings under 37 CFR 1.83(a) is respectfully requested.

Claims 1 (and claims 2-7 dependent thereon) were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner has pointed to the term “thereof” in lines 18 and 25 as allegedly being overly broad. Claim 1 has been amended at lines 18 and 25 to replace both instances of the term “thereof” with the term “of said fiber.” Applicant submits that any excessive breadth or lack of clarity of the subject matter being recited has thereby been cured. Claim 1 additionally has been amended to correct an obvious typographical error in punctuation, namely the presence of a semi-colon at the end of the claim instead of a period. Corresponding language using the term “of said fiber” has also been set forth in amended claims 5 and 7. The Examiner’s constructive comments to advance prosecution with respect to claim 1 are acknowledged with appreciation.

In view of the amendment of claim 1 (and claims 2-3 dependent thereon), the cancellation of claim 4, and the foregoing remarks, applicant respectfully submits that the scope of amended claims 1-3 and 5-7 would be clearly understood by a person of ordinary skill, so that claims 1-3 and 5-7 are now compliant with the definiteness requirement of 35 USC 112, second paragraph.

Accordingly, reconsideration of the rejection of claims 1-7 under 35 USC 112, second paragraph, is respectfully requested.

Claims 1-7 were rejected under 35 USC 103(a) as being unpatentable over US Patent Publication 200//0007774 to Christopher et al.

The Examiner has indicated that the subject matter of claims 4-7 was allowable.

Claim 1 has now been amended to incorporate the subject matter of claim 4. Applicant thus submits that claim 1, as amended, is now patentable over the art of record. Inasmuch as claims 2-3 are dependent on claim 1, it is submitted that they are now patentable for at least the same reasons.

Claim 5 has been amended to place it in independent form including the subject matter of claim 1, from which it formerly depended. It, as well as amended claim 6 and new claims 8-10 dependent thereon, are submitted to be patentable over the art of record.

Claim 7 also has been amended to place it in independent form including the subject matter of claim 1, from which it formerly depended. It, as well as new claims 11-13 dependent thereon, are submitted to be patentable over the art of record.

In view of the amendment of claims 1, 5, and 7, the cancellation of claim 4, and the foregoing remarks, it is respectfully submitted that the fiber cleaving apparatus delineated by applicant's claims 1-3, 5-7, and 8-13, as amended, is not rendered obvious by Christopher et al.

Accordingly, reconsideration of the rejection of claims 1-7 under 35 USC 103(a) as being obvious over Christopher et al. is respectfully requested.

The Examiner has further cited US Patent Publication No. 2005/0058422 to Doss et al.; US Patent No. 6,816,662 to Doss et al.; US Patent No. 5,150,502 to Roberson; and US Patent Publication No. 2005/0217100 to Schwar, but has not applied any of the foregoing references. Clearly, the subject matter of applicant's claims 1-3 and 5-7, as amended, as well as that of new claims 8-13, is not disclosed or suggested by any of these references, either singly or in any combination thereof. Also cited is US Patent Publication No. 2004/0190850

to Chau et al. Inasmuch as the '850 publication is the pre-grant publication of the instant application, it is respectfully submitted not to be prior art.

CONCLUSION

In view of the amendments to claims 1, 5, and 7, the cancellation of claim 4, the amendments to the drawings and the specification, and the remarks set forth above, it is respectfully submitted that the present application is in allowable condition. Reconsideration of the rejection and allowance of amended claims 1 – 3 and 5-7, together with newly presented claims 8-13 are, therefore, earnestly solicited.

Respectfully submitted,
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IN THE DRAWINGS

Please replace the existing drawing sheets bearing Figs. 2, 3 and 4 (i.e. sheets 2-4 of 5) with replacement sheets bearing amended Figs. 2 and 4, and amended and renumbered Fig. 3A. Further, please add a new drawing sheet bearing Fig. 3B. Each of these drawing sheets is contained in an Appendix to the present paper.